

## § 354.1

app. 2251 note); EO 12657, 3 CFR, 1988 Comp., p. 611.

SOURCE: At 60 FR 15632, Mar. 24, 1995, unless otherwise noted.

### § 354.1 Purpose.

This part establishes the methodology for FEMA to assess and collect user fees from Nuclear Regulatory Commission (NRC) licensees of commercial nuclear power plants to recover at least 100 percent of the amounts anticipated by FEMA to be obligated for its Radiological Emergency Preparedness (REP) Program as authorized under Title III, Public Law 103-327, 108 Stat. 2323-2325. As stipulated by Public Law 103-327, the methodology for assessment and collection of fees shall be fair and equitable, and shall reflect the full amount of costs of providing radiological emergency planning, preparedness, response and associated services. Such fees will be assessed in a manner that reflects the use of agency resources for classes of regulated persons and the administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the general fund of the Treasury as offsetting receipts. Assessment and collection of such fees are only authorized during fiscal year (FY) 1995.

### § 354.2 Scope.

The regulation in this part applies to all persons or licensees who have applied for or have received from the NRC:

- (a) A license to construct or operate a commercial nuclear power plant;
- (b) A possession-only license for a commercial nuclear power plant, with the exception of licensees that have received an NRC-approved exemption to 10 CFR 50.54(q) requirements;
- (c) An early site permit for a commercial nuclear power plant;
- (d) A combined construction permit and operating license for a commercial nuclear power plant; or
- (e) Any other NRC licensee that is now or may become subject to requirements for offsite radiological emergency planning and preparedness.

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### § 354.3 Definitions.

As used in this part, the following terms and concepts are defined:

- (a) *FEMA* means the Federal Emergency Management Agency.
- (b) *NRC* means the U. S. Nuclear Regulatory Commission.
- (c) *Technical assistance* means services provided by FEMA to accomplish offsite radiological emergency planning, preparedness and response, including but not limited to, provision of support for the preparation of offsite radiological emergency response plans and procedures, and provision of advice and recommendations for specific aspects of radiological emergency planning, preparedness and response, such as alert and notification and emergency public information.
- (d) *Persons* or *Licensee* means the utility or organization that has applied for or has received from the NRC:
  - (1) A license to construct or operate a commercial nuclear power plant;
  - (2) A possession-only license for a commercial nuclear power plant, with the exception of licensees that have received an NRC-approved exemption to 10 CFR 50.54(q) requirements;
  - (3) An early site permit for a commercial nuclear power plant;
  - (4) A combined construction permit and operating license for a commercial nuclear power plant; or
  - (5) Any other NRC license that is now or may become subject to requirements for offsite radiological emergency planning and preparedness activities.
- (e) *RAC* means Regional Assistance Committee chaired by FEMA with representatives from the Nuclear Regulatory Commission, Environmental Protection Agency, Department of Health and Human Services, Department of Energy, Department of Agriculture, Department of Transportation, Department of Commerce, Department of Interior, and other Federal departments and agencies as appropriate.
- (f) *REP* means Radiological Emergency Preparedness as in FEMA's REP Program.
- (g) *Fiscal Year* means the Federal fiscal year commencing on the first day of October through the thirtieth day of September.
- (h) *Federal Radiological Preparedness Coordinating Committee (FRPCC)* means